

REMARKS/ARGUMENTS

The Office Action mailed October 4, 2007 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claims 1 and 6 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention.

The 35 U.S.C. § 103 Rejection

Claims 1, 2 and 4-7 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over JP 2000-060427A abstract (Publication 1) in view of Iwasaki et al. (USP 7,014,876) (Publication 2) and JP 2001-253879 abstract (Publication 3), among which claims 1 and 6 are independent claims. This rejection is respectfully traversed.

Comparing the presently claimed invention with the references cited in the rejection, it is believed that the presently claimed invention is novel for at least the following reasons:

- (a) The present invention differs from cited publication 1 (JP2000-60427A) and cited publication 2 (US 7,014,876) at least in that, while the presently claimed invention uses the O-methylated catechin, cited publications 1 and 2 use catechin. However, cited publication 3 (JP2001-253879) discloses that O-methylated catechin has an anti-allergic property.
- (b) The O-methylated catechin of the presently claimed invention is a substance contained in specific tea leaves that are not disclosed in the cited publications. Although cited publication 2 discloses an extract obtained from Ti Kuan Yin generally referred to as an oolong tea, it differs from the oolong tea defined in the present claims.
- (c) The cited publications do not disclose a beverage containing the O-methylated catechin of the presently claimed invention in an amount of 1 to 30 mg/100ml.

(d) The cited publications do not disclose that the beverage and composition containing the O-methylated catechin are effective in treating and preventing hepatic functional disorders and hyperlipidemia.

Although cited publication 1 discloses that catechin is effective in ameliorating hepatic function, the O-methylated catechin of the present invention has better ameliorating effects than catechin. Differences in the effects between the O-methylated catechin and catechin are disclosed in Example 2 (Investigation of Allergic Rhinitis-Suppressing Effect) and Example 4 (Investigation of the Gallbladder/Liver Function-Correcting Effect) of the present application.

Thus, in view of the above cited reasons (a) to (d), comparing the presently claimed invention with the cited publications, none of the cited publications disclose effective treatment of hyperlipidemia as indicated in (d).

Therefore, the presently claimed invention is obvious in view of publications 1 to 3.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance and all rejections should be withdrawn.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,
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Dated: July 15, 2008

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